

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE NUTRASWEET COMPANY,

Plaintiff,

v.

AJINOMOTO CO., INC.,

Defendant.

Case No. 05-318 (SLR)

**MOTION OF DEFENDANT
AJINOMOTO CO., INC. TO DISMISS**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, defendant Ajinomoto Co., Inc. ("Ajinomoto") respectfully moves to dismiss plaintiff's Complaint for Declaratory Judgment. The grounds for this motion are fully set forth in the accompanying memorandum of law in support of this motion and the Declaration of Yasushi Tomioka, filed contemporaneously herewith.

Dated: June 24, 2005

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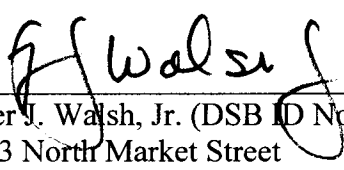
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CERTIFICATE OF SERVICE

I, Peter J. Walsh, Jr., hereby certify that on June 24, 2005, I electronically filed the foregoing MOTION OF DEFENDANT AJINOMOTO CO., INC. TO DISMISS with the Clerk of the Court using CM/ECF, which is available for public viewing and downloading, and which will send notification of such filing to the following counsel of record:

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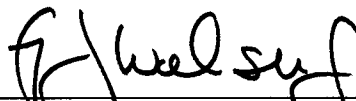
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